

Remarks

This paper is in response to the Office action dated February 1, 2006. Claims 1-4, 15, 19, 22, and 24-41 are pending in the application. Claims 1-6, 10-18, 21, 22, and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,958,010 to Agarwal (hereinafter “*Agarwal*”). Also, claims 7-9, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Agarwal* in view of U.S. Patent No. 5,978,849 to Khanna (hereinafter “*Khanna*”). Claims 1, 3, 4, 15, and 19 are amended, claims 25-41 are added, and claims 5-14, 16-18, 20-21, and 23 are canceled. Reconsideration is respectfully requested in view of the foregoing amendments and the following argument.

I. §102(e) Rejections:

To anticipate a claim, under 35 U.S.C. § 102(e), a reference must teach each and every element of the claim. It is submitted that *Agarwal* does not teach or suggest the claimed subject matter, and that the rejection under § 102(e) is therefore improper. Specifically, *Agarwal* does not disclose elements of amended claims 1, 4, and 15, or new claim 37.

Agarwal does not disclose selectively tracing specific transport control block (TCB) entries for events to measure network traffic as claimed in claims 1, 4, 15, and 37. Instead, *Agarwal* discloses autonomous agents or “modules” that monitor all data traffic into and out of a network managed node. As disclosed, *Agarwal* states:

[t]he TAP module autopushes on top of the [TCP stack] so that all TCP traffic in and out of the managed node passes through the module (col. 8, lines 11-14) (emphasis added).

Furthermore, not only does *Agarwal* disclose all traffic being passed through the modules, but also that the agent indiscriminately receives all network traffic; that “[all inbound and outbound traffic on connections to the listed servers is passed by module... to the agent.” While *Agarwal* discloses a filter element in the form of a “TapFilter device,” this element “monitor[s] all TCP traffic in and out of the managed node” to collect information (col. 9, lines 16-17) (emphasis added).

In contrast, claims 1, 4, 15, and 37 claim selectively detecting data transmission information only upon the occurrence of specific events. Furthermore, claims 1, 4, 15, and 37 claim detecting this information indirectly from entries of the TCB, not, as *Agarwal* discloses, by directly intercepting all network traffic at a managed node. While *Agarwal* may select only a portion of the monitored network traffic as relevant information, the selection is never in response to the events claimed in claims 1, 4, 15, and 37, nor is any of the information collected from the TCB structure as claimed. While collecting all network traffic at a managed node may be thorough, *Agarwal* is, at the very least, expensive and arbitrary in contrast to claims 1, 4, 15, and 37.

Therefore, *Agarwal* discloses neither selectively collecting data transmission information, nor detecting relevant network information in response to TCB entries corresponding to specific events. Because *Agarwal* does not teach or suggest each and every element of claims 1, 4, 15, and 37, the reference does not anticipate these claims. Therefore, claims 1, 4, 15, and 37 are believed to be in allowable form.

II. §103(a) Rejections:

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Because *Agarwal* in combination with *Khanna* does not teach or suggest elements of claim 19, the rejection under § 103(a) is improper.

Agarwal, in combination with *Khanna* does not disclose the interaction of the elements as currently claimed. As amended, claim 19 is dependent from claim 15. Claim 19 claims, in response to specific events, detecting data transmission information and TCB entries and copying this information to a trace log. *Agarwal*, however, does not disclose selectively detecting and recording event information and TCB entries as claimed in claim 19. Furthermore, *Khanna* discloses using the TCB to modify and establish a network connection, not to monitor the TCB for specific events and copy the TCB information related to the specific events into a trace log to trace network traffic as claimed in claim 19. While *Agarwal* may teach or suggest network monitoring, *Agarwal* does not teach or suggest selective network tracing in response to the specific events as claimed in claim 19.

Furthermore, while *Khanna* may teach or suggest using the TCB information, *Khanna* does

not teach or suggest using TCB information related to specific events and copying that information into a trace log to trace data traffic as claimed in claim 19.

Neither *Agarwal* nor *Khanna* alone or in combination discloses the claims. Furthermore, no other cited reference, or combination of references, discloses every element of claims 1, 4, 15, and 37. Accordingly, the cited elements are not taught or suggested and claims 1, 4, 15, and 37 and all claims dependent thereon, are allowable.

III. Conclusion

In view of the foregoing, the above-identified application is in condition for allowance. If there are any additional fees or refunds required, the Commissioner is directed to charge Deposit Account No. 13-2855. A duplicate copy of this paper is enclosed. In the event there is any remaining issue that the Examiner believes can be resolved by a telephone conference, the examiner is respectfully invited to contact the undersigned attorney at (312) 474-6610.

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Respectfully submitted,

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